

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

M. Regina Fahy, et al.

v.

Civil No. 05-cv-097-SM

Commissioner, New Hampshire
Department of Safety

O R D E R

The court requests the parties to submit memoranda (ten page limit) by November 10, 2005 addressing the following questions:

1. Can the documents sought be compelled from AAMVA by Rule 45 subpoena duces tecum?

2. a. If not, why not?

b. If so, how can the Commissioner of the New Hampshire Department of Safety assert a "law enforcement investigative techniques . . . privilege" over documents subject to such a subpoena.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: October 24, 2005

cc: Stephanie Anne Bray, Esq.
Melanie Marie Chaput, Esq.
Nancy J. Smith, Esq.
Christine C. Wellington, Esq.